THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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DATED: 15-09-2005

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WRIT PETITION No.20106 of 2005

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Between:

G.Sesharatnam . . .Petitioner

And

The Commissioner of Collegiate Education, Hyderabad

And others . . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.20106 of 2005

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O R D E R:

The petitioner challenges the charge sheet, dated 27-07-2005, issued to her by the Management of the institution, in which she is working. Four charges were framed against her pointing out certain acts of indiscipline. She contends that there is absolutely no basis of truth in the allegations made against her and the very institution of proceedings is untenable. It is also her contention that certain allegations were invented to implicate her and in fact, they are not borne out by any record. She makes a reference to memo dated 16-06-2005 in this regard, and contends that many of the charges in the impugned charge sheet do not

have any factual basis.

Sri P.Palguna Rao, the learned counsel for the petitioner had urged several contentions touching on facts and law.

The learned Government Pleader for Higher Education, on the other hand, submits that the charge sheet cannot be interfered with at this stage, since it was not even pointed out that the authority, who issued the charge sheet, does not have the jurisdiction.

The respondents issued a charge sheet levelling four allegations against the petitioner. An Enquiry Committee, comprising of Chairman and two members, was constituted through proceedings dated 04-08-2005. Unless it is alleged that the authority, who initiated the disciplinary proceedings against the petitioner, does not have the jurisdiction, this Court cannot interdict the disciplinary proceedings. The truth, or otherwise, of the allegations made against the petitioner, can be known only after the enquiry is completed. There is no reason to believe that the enquiry would not be conducted in accordance with law. Therefore, this Court is not inclined to interfere with the charge sheet.

The learned counsel for the petitioner points out that though the petitioner was granted permission for taking the assistance of one of the employees, in the enquiry proceedings, no person employed with the respondents is coming forward and that she may be permitted to avail the services of any other person. For this purpose, the petitioner has to make an application to the Enquiry Committee indicating the name of the person, whom she intends to engage. If the person is not an undesirable element, there should not be any objection for the Committee to permit the petitioner to avail the services of that person. The enquiry proceedings shall be deferred by one week to enable the petitioner to make this arrangement.

With the above observations, the writ petition is disposed of.

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(L.NARASIMHA REDDY, J)

15th SEPTEMBER, 2005.

Note: furnish C.C. in two days.

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